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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,590	09/05/2003	Peter Anthony Drake	P69121US0	7327

136 7590 08/18/2005

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WASHINGTON, DC 20004

EXAMINER
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ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/655,590

Applicant(s)

DRAKE, PETER ANTHONY

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/2/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 9-10, 15, 17 & 22 are rejected under 35 U.S.C. 102(a) as being unpatentable over (DE 1286962) (cited by applicant) in view of Brouwer et al. (US 5,879,124).

DE '962 discloses 3 wheels, driver station, a motorized drive on a side leg, telescopic mast 4, 5 mounted to a support frame, telescopic boom 7, means for moving a boom up and down, lifting forks 9 mounted on a fork carrier, and means for extending or reducing boom length.

DE '962 does not disclose means for moving a mast side to side, tilting ram, support frame and rollers. Brouwer et al. discloses means for moving 156 a mast back and forth between side legs 16 comprising mounting a mast 160 to support frame pivot, tilting ram 226, rollers 134, mounting a support frame in each side leg and a frame moving frame connected between a rear leg and support frame For forklift vehicle length reduction for more easily carrying at the rear end of another vehicle. Col. 1, Ins.5-36. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made

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to modify the fork lift of DE '962 to include means for moving a mast side to side, tilting a support frame and rollers, as per the teachings of Brouwer et al., such that the fork lift length can be reduced or modified for more easily carrying at the rear end of another vehicle.

3. Claims 3, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 1286962) in view of Ehmann (US 2,915,210). DE '962 does not disclose a mast inner and outer portion. Ehmann discloses a mast comprising a lower inner portion 18 and an upper outer portion 19 and a ram 51 housed within an inner portion to increase driver visibility. Col. 1, Ins. 16-48. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the forklift of DE '962 to include an inner and outer mast with a ram, as per the teachings of Ehmann, such that the driver's visibility is improved.

4. Claims 4, 12, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 1286962) in view of Ehmann (US 2,915,210) and Brouwer et al. (US 5,879,124). DE '962 does not disclose a mast inner and outer portion. Ehmann discloses a mast comprising a lower inner portion 18 and an upper outer portion 19 and a ram 51 housed within an inner portion to increase driver visibility. Col. 1, Ins. 16-48. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the forklift of DE '962 to include an inner and outer mast with a ram, as per the teachings of Ehmann, such that the driver's visibility is improved.

DE '962 does not disclose a pair of drive chains. Brouwer discloses a pair of drive chains or forklift vehicle length reduction for more easily carrying at the rear end of another vehicle. Col. 1, Ins.5-36. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fork lift of DE '962 to include a pair of drive chains, as per the teachings of Brouwer et al., such that the fork lift length can be reduced or modified for more easily carrying at the rear end of another vehicle.

5. Claims 5, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 1286962) in view of in view of Ehmann (US 2,915,210) and Sinclair (US 3,782,503).

DE '962 does not disclose a mast inner and outer portion. Ehmann discloses a mast comprising a lower inner portion 18 and an upper outer portion 19 and a ram 51 housed within an inner portion to increase driver visibility. Col. 1, Ins. 16-48. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the forklift of DE '962 to include an inner and outer mast with a ram, as per the teachings of Ehmann, such that the driver's visibility is improved.

DE '962 does not disclose an endless drive chain. Sinclair discloses an endless drive chain 40 for side-to-side stability for fork trucks lifting loads which are not positioned in front of a mast. Col. 1, Ins. 11-42. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the forklift of DE '962 to include an endless drive chain, as per

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the teachings of Sinclair, for side-to-side stability when forking loads which are not in front of a mast.

6. Claims 6, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 1286962) in view of Turturro et al. (US 3,233,768). DE '962 discloses a boom 7 and a mast sleeve 6 but does not disclose a ram connected between a sleeve and boom. Turturro et al. discloses a ram 26 connected between a sleeve 71 and boom 24 to maintain a boom in a horizontal position for stable lifting such that the load is protected from stress-induced damaged. Col. 1, Ins. 15-49. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fork lift boom of DE '962 to include a ram, as per the teachings of Turturro et al., for stable lifting and loading.

7. Claims 8, 16, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 1286962) in view of Nakagawa (US 4,382,604). DE '962 does not disclose wheels raised by rams. Nakagawa discloses wheels 1 which raise and lower via a ram 5 in response to axle-tilting displacement of the wheels as they rise and lower in turn in opposition to each other. Col. 1, Ins. 13-64. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of DE '962 to include rams to raise wheels, as per the teachings of Nakagawa, such that a vehicle will respond to axle-tilting displacement.

### ***Conclusion***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 3,268,033 to Goodacre discloses a telescoping mast for lifting.

US 3,259,257 to Brown et al. discloses a telescoping boom carrying a pair of forks.

US 6,499,932 to Bullington et al. discloses a boom sleeve which slides along a mast.

US 3,851,777 to Dilny discloses a telescoping mast which slides in a sleeve connecting to a telescoping boom.

US 5,403,142 to Stewart discloses a telescoping boom connected to a pair of forks.

US 3,162,317 to Becker discloses a telescoping mast with a pair of drive chains.

US 5,328,321 to Moffett et al. discloses a 3-wheel forklift having a telescoping mast, drive chains, support frame, and tilting ram.

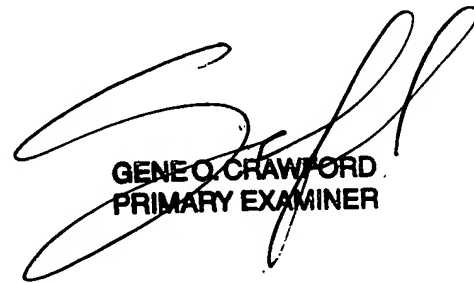
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



GENE O. CRAWFORD  
PRIMARY EXAMINER